United Nations A/58/276

General Assembly

Distr.: General
12 August 2003
English
Original: Arabic/English/Spanish

Fifty-eighth session
Item 119 (b) of the provisional agenda*
Human rights questions: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

The right to development

Report of the Secretary-General**

Summary

By its resolution 57/223 of 18 December 2002, entitled "The right to development", the General Assembly requested the Secretary-General to bring that resolution to the attention of Member States, United Nations organs and bodies, specialized agencies, funds and programmes, international development and financial institutions, in particular the Bretton Woods institutions and non-governmental organizations, and to submit a comprehensive report on the implementation of the resolution to the Assembly at its fifty-eighth session.

* A/58/150.

** The submission of the present report was delayed in order to include as many replies from Governments as possible.

03-46841 (E) 090903

Contents

		Paragraphs	Page
I.	Introduction	1	3
II.	Replies received from Governments	2–37	3
	A. Federal Republic of Germany	2–10	3
	B. Japan	11–18	4
	C. Republic of Cuba	19–25	6
	D. Republic of Guatemala	26–34	7
	E. Syrian Arab Republic	35–37	8
III.	Replies received from specialized agencies, United Nations departments, programmes and funds, and other international organizations	38–56	9
	A. Convention on Biological Diversity	38–41	9
	B. Department of Public Information	42	10
	C. Food and Agriculture Organization of the United Nations	43	10
	D. International Labour Organization	44	11
	E. International Monetary Fund	45–49	11
	F. United Nations Conference on Trade and Development	50–52	12
	G. World Intellectual Property Organization	53–56	13

I. Introduction

1. In compliance with the request contained in paragraph 33 of General Assembly resolution 57/223, the Secretary-General disseminated the resolution and sent a note verbale, dated 28 April 2003, to States, in which he solicited information to be compiled in the present report. In addition, he sent a letter, dated 10 April 2003, to relevant specialized agencies, United Nations departments, programmes and funds and other international organizations, with the same solicitation. As at 7 July 2003, replies had been received from the Federal Republic of Germany, Japan, the Republic of Cuba, the Republic of Guatemala, the Syrian Arab Republic, the Convention on Biological Diversity, the Department of Public Information, the Food and Agriculture Organization of the United Nations, the International Labour Organization, the International Monetary Fund, the United Nations Conference on Trade and Development and the World Intellectual Property Organization. The responses, which are on file with the Secretariat, are summarized in the present report.

II. Replies received from Governments

A. Federal Republic of Germany

[Original: English]
[1 July 2003]

2. The Government of Germany stressed the critical importance of poverty eradication in the promotion and realization of the right to development. To underline its contribution to the attainment of the United Nations Millennium Development Goals, the Federal Chancellor had announced the Programme for Action 2015 — Combating Poverty: a Global Task, encompassing concrete measures for the implementation of the right to development. The following summarizes the overview of activities undertaken in that context.

3. Major issues addressed by the Programme were good governance, democracy and the rule of law at the national level. Focal areas were good governance/participatory development and corruption prevention, supporting systemic institutional changes of a preventive nature.

4. In addition, Germany made efforts to strengthen the important role and the rights of women. Apart from applying a gender perspective to its cooperation in general, Germany also financed specific measures to promote women's right to, inter alia, health and education. The work undertaken in the wake of the Fourth World Conference on Women in Beijing in 1995, namely to provide funds in support of activities to combat violence against women, encourage women's participation in political activity and provide legal advice, was being continued.

5. The Federal Republic of Germany reported that it endeavoured to direct financial means towards improving the education and health of children and young people, contributing to multilateral and civil society activities in that field.

6. In the context of HIV/AIDS, Germany reported on its technical cooperation programmes, such as health and sex education projects. The Federal Ministry for

Economic Cooperation and Development had launched an initiative to make HIV/AIDS a priority for the work of all organizations and projects in German development cooperation.

7. Germany forged public-private partnerships as a tool to promote development that not only had a sustainable effect from a development perspective, but also provided an economically viable outcome for companies.

8. Reference was made to support the New Partnership for Africa's Development and the commitments recently made in the areas of trade liberalization, debt burden and additional measures within the framework of the G-8 Africa Action Plan.

9. As an example of furthering the promotion and protection of human rights by mainstreaming them into its development cooperation, Germany referred to the right to food. The Federal Ministry for Economic Cooperation and Development commissioned the Deutsche Gesellschaft für Technische Zusammenarbeit to develop proposals for implementing the right to food and to mobilize the support of political decision makers to establish the necessary legislation and disseminate initiatives, and to make the right to food a priority of public debate.

10. Finally, the Ministry for Economic Cooperation and Development has commissioned a forthcoming study to make recommendations on how to implement the right to development further, in particular by following a rights-based approach in its development cooperation.

B. Japan

[Original: English]
[13 June 2003]

11. The Government of Japan expressed its conviction that the promotion and realization of the right to development was relevant in the context of development, but stressed its view that, at present, the concept of the right to development was not yet clear or distinct and further discussion was therefore necessary. It also expressed the belief that the right to development should be ensured for individuals in the territory of each country and that each Government should have the primary responsibility for the protection and promotion of that right. While international cooperation was important in the area of development, the Government of Japan disagreed with the legal obligation of developed countries to render assistance to developing countries.

12. As a testimony of Japan's commitment to development, the Government transmitted detailed information regarding its international cooperation activities, such as cooperation by means of official development assistance (ODA), cooperation through international organizations and cooperation relevant to human security.

13. As to cooperation through ODA, the Government underlined that Japan had been the major donor since the early 1990s, the largest until 2000 and the second largest in 2001 and 2002. It also underlined Japan's contribution to debt relief. In that respect, it had announced that it would provide 100 per cent debt reduction of ODA claims and eligible non-ODA claims owed by heavily indebted poor countries (HIPCs) under the enhanced HIPC Initiative. It had also contributed significantly to

the World Bank's HIPC Trust Fund to provide funds needed for debt relief by international financial institutions.

14. With respect to Japan's cooperation through international organizations, the Government particularly drew attention to cooperation through the World Bank, the International Monetary Fund (IMF) and the World Trade Organization (WTO).

15. In that context the Government highlighted the role of the Japan Policy and Human Resource Development Fund. The Fund's objective was poverty reduction in developing countries, which was achieved through technical assistance and human resource development under the auspices of the World Bank. Other programmes, such as the Japan Staff and Consultant Trust Fund and the World Bank Institute Training Programme, complemented the World Bank's work. The Government of Japan also stressed the role of the Japan Social Development Fund, an untied grant facility established by the Japanese Government and the World Bank, to assist World Bank clients effectively to tackle the poverty and social consequences that resulted from the 1997-1999 global economic and financial crises.

16. Japan referred to its important IMF member's quota of Special Drawing Rights (6.26 per cent of the total). It also continued to be the largest donor, providing some 70 per cent of the external financing of the total IMF technical assistance in fiscal year 2002. Moreover, the Government pointed to the established special purpose accounts to administer contributed resources and to perform financial and technical services. They focused on assisting certain members with overdue obligations to the IMF, providing technical assistance to member countries and financing the cost of studies and the training of nationals of member countries in macroeconomics and related subjects at selected universities and institutions. Finally, the Government of Japan also drew attention to its contributions to the Poverty Reduction and Growth Facility (PRGF) and PRGF-HIPC Trusts.

17. With regard to Japan's Trade-Related Technical Assistance, the Government pointed to its future contribution to the WTO Global Trust Fund, which would enable the delivery of technical assistance (the 2003 WTO Technical Assistance Plan) to all developing countries. It also listed some capacity-building activities, such as seminars on trade and investment, or trade facilitation.

18. Finally, the Government of Japan had endorsed human security as a concept of international cooperation in the twenty-first century. Its related activities included the establishment of the Trust Fund for Human Security in the United Nations, with the objective of translating the concept of human security into concrete activities by supporting projects that address, from the viewpoint of human security, various threats to human lives, livelihoods and dignity, including poverty, environmental degradation, conflicts, landmines, refugee problems, illicit drugs and infectious diseases such as HIV/AIDS. In addition, Japan had called for an international commission on human security to deepen the concept of the human-centred initiatives. The Commission on Human Security had been established in 2001 and one area of its final report dealt with the links between human security and development. The Government of Japan had also incorporated the concept of human security into its Grant Assistance for Grassroots Projects programme.

C. Republic of Cuba

[Original: Spanish]
[1 July 2003]

19. The Government of Cuba expressed the particular importance it attached to the subject, especially the need to take practical, long-term and effective measures at both the national and international levels to ensure the full implementation of the Declaration on the Right to Development.

20. In the view of the Government of Cuba, some developed countries were trying to redefine the right to development as a personal right and utopian aspiration for the future in an attempt to evade their responsibilities to solidarity and international cooperation and ultimately to continue delaying indefinitely the full realization of that right.

21. Cuba pointed out that several global conferences and summits held in the 1990s had recognized that the underdeveloped countries had implemented policies and programmes to achieve development, but that their national efforts had been increasingly affected by a number of international restrictions, forces and influences that were beyond the control of their Government.

22. Commitments had been made to change international trading, financial, technological and economic systems and relationships so as to make them transparent, open, equitable, democratic, predictable and non-discriminatory. However, nearly all the commitments made, and all the most important ones, had yet to be implemented.

23. Among the main obstacles at the international level, the Government of Cuba mentioned:

(a) International trade, in particular protectionist tariff and non-tariff barriers and the effects of unequal terms of trade and unfair competition through subsidies;

(b) The failure of the developed countries to fulfil their commitment to devote 0.7 per cent of their gross national product to official development assistance;

(c) The decrease in and geographical concentration of global direct investment;

(d) External debt, leaving the economies of the respective countries in a permanent state of undercapitalization;

(e) Neoliberal globalization, depriving most underdeveloped countries not only of the autonomy which they need to take decisions on development policies appropriate to their circumstances, but also of the means, options, policy alternatives and instruments that had been available to the developed countries themselves at a similar stage of their development.

24. The Government of Cuba underlined the fact that the most serious and immediate threats to the right to development were posed by wars and rising military spending in the arms race and referred in that context to the current United States Government.

25. The Government of Cuba stressed that there could be no development without peace and no peace without development; it would not be possible to put an end to terrorism and conflict unless the effective realization of the right to development was guaranteed. The international community needed to declare a worldwide war against underdevelopment, hunger, poverty, illiteracy and diseases such as AIDS.

D. Republic of Guatemala

[Original: Spanish]
[7 July 2003]

26. The submission of the Government of Guatemala focused on the action taken by the Government for the full realization of the right to development in 2002 and 2003, underlining the achievements in 2002 and including an outline of future action.

27. The Government stated that its Poverty Reduction Strategy paid particular heed to rural areas and gave priority to food and nutritional security programmes in the most vulnerable municipalities. The Department of Agrarian Affairs had been set up, with the responsibility to coordinate Central Government bodies and to guide the formulation, consideration, promulgation and implementation of a rural development policy, including education, vocational training, technical assistance and loans for marketing, as well as the freedom of production of the rural population. Particular emphasis was laid on land ownership in that respect.

28. The Government reported that it had assigned an important role to guidelines and actions to counter malnutrition in its various forms, as one of the symptoms of the scourge of poverty. To that end, it sought to coordinate the efforts undertaken by government bodies, civil society and the international community. Government activity was guided by the objectives to heighten institutions' awareness of the issue; adopt a set of criteria and strategies to deal with it; and give priority to action to assist the country's most vulnerable groups and geographical areas. The Government had established the National Food and Nutrition Security Council, with the purpose of identifying comprehensive and systematic criteria to deal with the problem, defining responsibilities and working out agreements among entities carrying out preventive, corrective and support activities, in an effort to eliminate acute malnutrition and reduce chronic undernourishment.

29. Another effort to combat poverty had been to introduce minimum wages. That measure was part of a wider effort to initiate labour reform, aiming at effectively protecting wage earners and making it possible to respect the minimum wage, collective agreements on working conditions, the freedom to form and join a trade union and the right to strike.

30. Efforts to combat poverty were combined with promoting sustainable conservation and exploitation of natural and cultural assets through decentralized, participative environmental management. Actions had been taken to reduce water, air and soil pollution levels, abate noise and remove eyesores. For that purpose, regulations and monitoring mechanisms had been introduced, also promoting the ability and financial capacity of municipalities and the private sector to handle and dispose of solid waste and dangerous substances from hospitals.

31. Regarding the right to health, the Government focused on the provision of free services. It had adopted the Social Policy Master Plan 2000-2004 and the National Health Plan 2000-2004, extending the coverage of services, paying special attention to the poorest and most excluded population groups. Special importance was paid to the Integral Health Care System, attempting to widen coverage by means of agreements with non-governmental organizations looking after traditionally marginalized sections of the population.

32. As to the housing shortage, the Government had devised a policy resting on the principles of subsidiarity and solidarity in a self-management and self-help system. The Government had set up the "Roof and Floor" and "Minimum Roof" programmes, through which beneficiaries were supplied with building materials so that they could construct a dwelling. Other activities undertaken related to the legal machinery to facilitate housing schemes, actions to legitimize ownership of building sites occupied by persons living in shanty towns and the creation of the Guatemalan Housing Fund, facilitating subsidies to low-income families to finance the purchase, construction, extension, improvement or repair of a dwelling.

33. The Government also referred to decentralization of State powers, aiming at delegating decisions, administration and resources, as an effort to strengthen and further participative democracy and democratic institutions and a contribution to human development.

34. The Government's outline of future action included, in the economic field, the challenge to arrive at a growth strategy where stability is rooted in the enhanced capacity of the international financial system to prevent and manage the crisis, to devise complementary macroeconomic policies with a stronger preventive aspect, to expand exports faster, to improve the terms of access to international financial markets, to build up the level of foreign reserves and to promote the country's financial development. In the social field, the Government underlined the necessity of a process of affirmative action, promoting the interests of marginalized peoples and segments. In the political field, it underlined the need to respect human rights unconditionally, consolidate its friendly relations with the international community and strengthen machinery to implement its human rights policy.

E. Syrian Arab Republic

[Original: Arabic]
[22 May 2003]

35. The Syrian Arab Republic emphasized its support to the resolution entitled "The right to development" because it believed that the right to development was an inalienable human right, that equality of opportunity for development was a prerogative both of nations and of individuals and that the human person was the main beneficiary and central subject of development. In that context, it affirmed the need for urgent measures to be taken in order to give effect to the aims and objectives proclaimed by all major conferences, summit meetings and special sessions of the United Nations, including those set forth in the United Nations Millennium Declaration.

36. The Syrian Arab Republic also stressed the importance of eliminating the barriers to economic development through the continued endeavours of the

international community to create a climate conducive to international cooperation and equitable economic relations. Moreover, it affirmed the importance of ensuring that the open-ended working group on the right to development continued to give priority to the operationalization of the right to development and to the elaboration and implementation of a convention on the right to development.

37. Finally, the Syrian Arab Republic underlined that those aims and objectives required the willingness to achieve them in such a manner as to promote the comprehensiveness and interdependence of human rights, at the forefront of which was the right to development.

III. Replies received from specialized agencies, United Nations departments, programmes and funds, and other international organizations

A. Convention on Biological Diversity

[Original: English]
[14 May 2003]

38. The secretariat of the Convention on Biological Diversity gave an overview of its activities contributing to the implementation of General Assembly resolution 57/223. It recalled that the three objectives of the Convention were the conservation of biological diversity, the sustainable use of the components of biological diversity, and the fair and equitable sharing of benefits arising from the utilization of genetic resources. The secretariat stressed that implementation of those objectives was important for realizing the right to development and suggested that the resolution on the right to development could make reference to the role of biodiversity or the environment in general as a basis for development.

39. With regard to the outcomes of the fourth Ministerial Conference of the World Trade Organization (WTO)[1] and the International Conference on Financing for Development,[2] the secretariat referred to its contribution to the examination of the relationship between the Agreement on Trade-Related Aspects of Intellectual Property Rights, the Convention on Biological Diversity and the protection of traditional knowledge and folklore through background documentation for relevant WTO committees and participation in the WTO Committee on Trade and Environment information sessions on Multilateral Environment Agreements. The secretariat also mentioned the Convention's activities on financing for biodiversity conservation and sustainable use, such as the successful work of the financial mechanism of the Convention, the Global Environment Facility, the recent decision of the Conference of the Parties to explore opportunities for a global initiative on banking, business and biodiversity, and the examination of the possibility of debt for nature initiatives.

40. With regard to obstacles impeding the full realization of the right to development, the secretariat pointed out that article 7 (c) of the Convention called upon each Contracting Party to identify processes and categories of activities which have or are likely to have negative impacts on the conservation and sustainable use

of biological diversity, which ultimately contributes to identifying obstacles for the full realization of the right to development.

41. Concerning the impact of international economic and financial issues, such as international trade, access to technology, good governance and equity at the international level and the debt burden, on the enjoyment of human rights, the secretariat referred to a study on the incentive effects of domestic support measures for the conservation and sustainable use of biodiversity, to the forthcoming meeting of the Conference of the Parties where technology transfer and cooperation would be an issue for in-depth consideration and to the recently adopted Bonn Guidelines on Access and Benefit Sharing.

B. Department of Public Information

[Original: English]
[19 June 2003]

42. The Department of Public Information gave an overview of its activities promoting the right to development, undertaken as part of an overall strategy aimed at the realization of the Millennium Development Goals. It referred in particular to information programmes related to poverty eradication, conflict prevention, sustainable development, the HIV/AIDS epidemic, the battle against international terrorism and the needs of the African continent. Effective coverage of United Nations human rights and development activities, as well as worldwide distribution of relevant information material, was ensured through a multimedia approach, including, inter alia, the production of printed materials, making material available on the Internet, radio and television programmes, press conferences, press briefings and special events, and activities with educational organizations and non-governmental organizations.

C. Food and Agriculture Organization of the United Nations

[Original: English]
[5 June 2003]

43. The Food and Agriculture Organization of the United Nations drew attention to the centrality of adequate food and nutrition for human existence and development. In that context, it mentioned the important work currently under way within an intergovernmental working group on elaborating a set of voluntary guidelines to support member States' efforts to achieve the progressive realization of the right to adequate food in the context of national food security. The purpose was seen as assisting countries to identify ways to implement and realize the right to adequate food as a means of achieving food security for all.

D. International Labour Organization

[Original: English]
[8 May 2003]

44. The International Labour Organization (ILO) referred to its previous submissions concerning its work for development. The Secretary-General would like to recall in that context the statement made by ILO during the fourth session of the Open-ended Working Group on the Right to Development, focusing on an assessment of ILO experience with Poverty Reduction Strategy Papers.

E. International Monetary Fund

[Original: English]
[13 June 2003]

45. The International Monetary Fund (IMF) provided a summary of its activities in support of the development efforts of its low-income members. The Fund's primary involvement was, together with the World Bank, through the Poverty Reduction Strategy Paper (PRSP) approach, the central country-level vehicle for making progress towards the Millennium Development Goals. The Fund supported low-income countries' efforts to develop and implement those strategies through policy advice, technical assistance and financial assistance supported by the Poverty Reduction and Growth Facility, by focusing on macroeconomic policies and the support of institutions that were critical to growth, by strengthening public expenditure management and revenue mobilization and by promoting sound national financial sectors and a stable international financial system.

46. The Fund was also working jointly with the World Bank to implement the enhanced Heavily Indebted Poor Country Initiative. In addition, it supported the Doha Development Agenda, pressed for better market access for low-income countries in its multilateral and bilateral surveillance operations and helped to ensure inclusion of trade policy considerations in PRSPs.

47. With a view to harmonizing the procedures and practices of donors more effectively, good practice principles were adopted at the High-Level Forum on Harmonization. Those principles aimed to ensure that development assistance supported the priorities of the recipient country, donors committed to adopt internal procedures to facilitate harmonization and that donors provided coordinated technical assistance and generally empowered recipient countries to lead the harmonization effort.

48. The Fund also worked with the United Nations to support monitoring of the achievement of the Millennium Development Goals, such as by participating in the inter-agency working group that had developed a set of goal-monitoring indicators and participating in the United Nations Experts Group that had been established to play an oversight role during the implementation of the Millennium Project. The Fund and the World Bank had also proposed a framework for monitoring the policies and actions needed on the part of developing and developed countries and international institutions to achieve the Millennium Development Goals.[3]

49. In addition, the Fund and the World Bank had been exploring options to respond to concerns by some members about the adequacy of the voice and representation of developing and transition countries. The Executive Boards of both institutions had recently approved steps to enhance the administrative capacity of the Executive Directors' offices. During the forthcoming Thirteenth General Review of Quotas, the Executive Board would continue to monitor closely and assess the adequacy of Fund resources. Quota distribution issues, including issues related to the quota formulas and the role of basic votes, would also be examined by the IMF Executive Board.

F. United Nations Conference on Trade and Development

[Original: English]
[18 June 2003]

50. The United Nations Conference on Trade and Development (UNCTAD) outlined some of its activities relevant to the realization of the right to development. The work and publications of the Division on Globalization and Development Strategies touched directly on a number of the themes raised in General Assembly resolution 57/223, such as the comprehensive and substantive analysis of the external debt and debt-servicing problems of the developing countries (see A/57/253), and the *Trade and Development Report, 2002* (UNCTAD/TDR/2002), which examined some newly emerging biases and inconsistencies in the trading system linked to the emergence of international production systems organized by large international corporations. In that context, the UNCTAD secretariat highlighted the finding that many developing countries were trading more but earning less from such activities, which raised important questions about the structure of the trading system as it impacted on development prospects and the appropriate policy agenda to bring about a fairer trading system.

51. UNCTAD referred to its work on Africa, which provided a careful examination of Poverty Reduction Strategy Papers, in particular to the report entitled "From Adjustment to Poverty Reduction: What is New?" (UNCTAD/GDS/AFRICA/2). That report commended the inclusion of a wider range of social goals in the design of such papers as well as efforts to establish a more participatory approach. However, the report questioned their likely effectiveness in light of the economic policy advice that continued to underpin those papers.

52. Finally, UNCTAD reported on a new initiative to assist the least developed countries in identifying governance-related obstacles to foreign investment and introducing instruments and practices that promoted accountability and transparency in the successive stages of the investment process.

G. World Intellectual Property Organization

[Original: English]
[12 May 2003]

53. The World Intellectual Property Organization (WIPO) sent information on some of its recent activities undertaken within the framework of its Cooperation for Development programme.

54. The organization's Cooperation for Development programme focused on assisting developing countries to optimize the use of the intellectual property system for their economic, social and cultural benefit. WIPO drew attention to its institution-building, training and legal advice activities. Reference was also made to the introduction of the Cooperation for Development web site in 2001 (http://www.wipo.org/cfd/en/index.html).

55. WIPO reported on its country or region-specific actions plans, established jointly with individual Governments, aiming at helping them to establish more efficient management and use of the national intellectual property system. WIPO also reported on its training activities, partly undertaken under the aegis of the WIPO Worldwide Academy, providing, inter alia, information on the role of intellectual property in economic, social and cultural development.

56. Other activities included assistance to developing countries in preparing new or updated intellectual property laws in compliance with current international standards, and the Collection of Laws for Electronic Access, an electronic database of intellectual property legislation, containing full legislative texts in the field of intellectual property and bibliographic references related to each text.

Notes

[1] See A/C.2/56/7.

[2] See *Report of the International Conference on Financing for Development, Monterrey, Mexico, 18-22 March 2002* (United Nations publication, Sales No. E.02.II.A.7).

[3] *Achieving the MDGs and Related Outcomes: A Framework for Monitoring Policies and Actions* (DC/03/3, 3/26/03).